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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

CASE NO. 3:10-md-2143 RS

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING
ADMINISTRATIVE MOTIONS TO SEAL
MATERIALS FILED WITH CLASS
CERTIFICATION BRIEFS**

This document relates to:

DATE ACTION FILED: Oct. 27, 2009

ALL ACTIONS

1 WHEREAS, on June 5, 2013, this Court entered an order granting the parties' Stipulation
 2 and [Proposed] Order Regarding Plaintiffs' Administrative Motions to Seal (Docket No. 899),
 3 extending the deadline under Civil Local Rule 79-5(e) for filing declarations and proposed sealing
 4 orders in response to the administrative motions to seal filed in connection with Direct Purchaser
 5 Plaintiffs' and Indirect Purchaser Plaintiffs' respective Motions for Class Certification, and
 6 supporting documents, filed as Docket Nos. 877, 880, 881, and 895;

7 WHEREAS, as part of its June 5, 2013 Order, this Court instructed the parties as follows
 8 with respect to further sealing motions related to the briefing on class certification:

9 The parties are reminded that sealing orders are to be narrowly tailored
 10 and that only minimum redactions necessary to protect sealable
 11 information are permissible. See Civil Local Rule 79-5 and Commentary.
 12 The parties should strive towards providing a single, stipulated, proposed
 13 order that disposes of all sealing requests that have been or will be filed in
 14 connection with the class certification motion[s]. If additional time will be
 15 necessary in light of the fact that further sealing requests may be filed, the
 16 parties may stipulate to additional extensions without seeking court
 17 approval, provided a global sealing order is submitted at least one week
 18 prior to the hearing on the certification motion[s].

19 WHEREAS, consistent with the Court's direction, the parties wish to avoid burdening the
 20 Court with seriatim sealing motions, declarations and proposed orders to be filed by the parties
 21 and various non-parties in connection with (1) the currently pending administrative motions to
 22 seal, filed in connection with the Direct and Indirect Purchaser Plaintiffs' Motions for Class
 23 Certification (Docket Nos. 877, 880, 881 and 895), (2) Defendants' Opposition briefs, including
 24 supporting expert and other evidentiary material, to the class certification motions due on October
 25 21, 2013, and (3) the Direct and Indirect Purchaser Plaintiffs' Reply briefs, including any
 26 supporting materials, in support of their class certification motions, due on February 18, 2014;

27 WHEREAS, in order to provide sufficient time for the parties and non-parties to identify
 28 sealable materials in connection with Defendants' anticipated Opposition and Reply briefs and
 supporting materials, the parties have agreed to the procedure and schedule set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned
 counsel for the parties, subject to Court approval, that:

1 1. Oppositions.

- 2 a. Defendants shall file under seal their briefs (and all supporting materials) in
- 3 Opposition to the Direct and Indirect Purchaser Plaintiffs' respective Motions
- 4 for Class Certification on October 21, 2013.
- 5 b. Defendants shall provide written notice to any non-party regarding portions of
- 6 the sealed documents which contain or reference material designated as
- 7 "Confidential" or "Outside Counsel Only" by that non-party pursuant to the
- 8 Stipulation and Order Supplementing Protective Order Regarding
- 9 Confidentiality of Non-Party Documents and Materials (Docket No. 629) no
- 10 later than October 23, 2013.
- 11 c. Any Plaintiff or non-party which intends to request that portions of the filed
- 12 materials remain sealed shall provide written notice to Defendants identifying
- 13 which portions it seeks to seal no later than November 4, 2013.
- 14 d. Defendants shall file redacted versions of the Opposition briefs and any
- 15 supporting materials no later than November 8, 2013.

16 2. Replies.

- 17 a. Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs shall file under seal
- 18 their briefs (and all supporting materials) in Reply to their respective Motions
- 19 for Class Certification on February 18, 2014.
- 20 b. Direct and Indirect Purchaser Plaintiffs shall, respectively, provide written
- 21 notice to any non-party regarding portions of the sealed documents which
- 22 contain or reference material designated as "Confidential" or "Outside Counsel
- 23 Only" by that non-party pursuant to the Stipulation and Order Supplementing
- 24 Protective Order Regarding Confidentiality of Non-Party Documents and
- 25 Materials (Docket No. 629) no later than February 20, 2014.
- 26 c. Any Defendant or non-party which intends to request that portions of these
- 27 filed materials remain sealed shall provide written notice to the Direct and
- 28 Indirect Purchaser Plaintiffs, respectively, identifying those portions it seeks to

1 seal no later than March 4, 2014.

2 d. The Direct and Indirect Purchaser Plaintiffs shall thereafter file redacted
3 versions of their respective Reply briefs and any supporting materials with the
4 Court no later than March 7, 2014.

5 3. The parties shall work together, and with any affected non-parties, and strive
6 toward submission of a single, omnibus and stipulated (if possible) proposed sealing order. This
7 omnibus sealing order shall be filed, along with administrative motions to seal and supporting
8 declarations in accordance with Local Civil Rule 79-5, no later than three weeks prior to the
9 scheduled hearing on the Direct and Indirect Purchaser Plaintiffs' respective Motions for Class
10 Certification, once such a date has been set.

11 IT IS SO STIPULATED.

12 DATED: October 16, 2013 LATHAM & WATKINS LLP

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13 *Interim Lead Counsel for Indirect Purchaser*
14 *Plaintiffs*

15 DATED: October 16, 2013

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27 *Interim Lead Counsel for Direct Purchaser Class*

28 **IT IS SO ORDERED.**

DATED: 10/17/13


HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE